

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AT&T CORP.

V.

VITRO PACKAGING, INC.

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CASE NO. 4:05CV20
(Judge Schneider /Judge Bush)


**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On April 5, 2005, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendation that Defendant's Motion to Dismiss (Docket #5) be denied.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendant's Motion to Dismiss is DENIED.

SIGNED this 27th day of April, 2005.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE